United Nations A/S-27/7

General Assembly

Distr.: General
5 September 2001

Original: English

Twenty-seventh special session
Items 8 and 9 of the provisional agenda*

Review of the achievements in the implementation and results of the World Declaration on the Survival, Protection and Development of Children and Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s

Renewal of commitment and future action for children in the next decade

Letter dated 29 August 2001 from the Permanent Representative of Liechtenstein to the United Nations addressed to the Secretary-General

Since Liechtenstein is currently holding the Chair of the Committee of Ministers of the Council of Europe, I have the honour to send you the *Decade Review of the Council of Europe Child Related Activities* (see annex)** for communication to the special session of the General Assembly on Children.

I would be grateful if the present letter, together with its annex, could be circulated as a document of the special session on children, to take place from 19 to 21 September 2001.

(Signed) Claudia **Fritsche**
Ambassador
Permanent Representative

* A/S-27/1.
** The annex is being circulated in the language of submission only (English).

01-52910 (E) 100901

COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Annex to the letter dated 29 August 2001 from the Permanent Representative of Liechtenstein to the United Nations addressed to the Secretary-General

30.08.01

Decade Review of Council of Europe Child Related Activities

Report for the

United Nations General Assembly Special Session on Children (UNGASS)

Prepared by
Professor Stewart Asquith
Centre for the Child and Society
University of Glasgow
Glasgow, Scotland.

Introduction

This report presents a review of the significant achievements of the Council of Europe in improving the lives of children in Europe over the past decade since the World Summit on Children in 1991. The report complements the political message which was adopted by the Organisation's 43 Member States at its May 2001 Ministerial Session and addressed to the United Nations General Assembly's Special Session on Children (UNGASS) taking place in New York from 19 to 21 September 2001. The report will contribute to enhanced knowledge and understanding about the experiences of our children and how best to assist them as they grow and develop in the families, communities and societies in which they live.

There are almost 200,000,000 children and young people under the age of 18 in the member states of the Council of Europe. Quite apart from the importance of how the needs and rights of children in the pan-European community are met and protected, this section of the population of course represents the future of Europe. The importance of offering to all our children positive life experiences does not then simply lie in helping to determine their later adulthood. It is of course directly related to their ability to participate in and influence the future of Europe as fully participating citizens able to meet the changing social, economic and political challenges facing them.

The Council of Europe has always had children and child related activities high on the agenda and welcomes the opportunity to review its activities in preparation for future co-operation with the United Nations, and UNICEF in particular, in taking forward

into the new millennium the plans and commitments made in the course of the UNGASS meeting.

The report is presented in main sections:

(i) The Council of Europe- a brief Overview

(ii) The UN Convention on the Rights of the Child and the World Summit on Children, 1991

(iii) Council of Europe Child Related Activities

(iv) Future Council of Europe Action

(i) THE COUNCIL OF EUROPE- A BRIEF OVERVIEW

It is important to assess the contribution of the Council of Europe to enhancing the life experiences of our children by locating such activities in the broader context of the aims and values on which the organisation is founded.

The Council of Europe is a political organisation founded in 1949 to promote greater unity between its members. It now numbers 43 member states with Canada, the Holy See, Japan, the USA and Mexico enjoying Observer status. The Organisation's main aims are to promote democracy, human rights and the Rule of Law and to develop common responses to political, social, cultural and legal challenges in its member states. Since 1989 it has integrated most of the countries of Central and Eastern Europe and supported them in their efforts to implement and consolidate their reforms.

The permanent headquarters of the Council of Europe is in Strasbourg (France). By Statute, it has two constituent organs: the Committee of Ministers, composed of the member states' Ministers for Foreign Affairs and the Parliamentary Assembly, comprising delegations from the national parliaments. The Congress of Local and Regional Authorities of Europe represents the entities of local and regional self-government within the member States. The European Court of Human Rights is the judicial body competent to adjudicate complaints brought against a state by individuals, associations or other contracting states on grounds of violation of the European Convention on Human Rights.

This inter-governmental organisation aims:

To protect human rights, pluralist democracy and the rule of law.

To promote the awareness and encourage the development of Europe's cultural identity and diversity.

To seek solutions to problems facing European society.

To help consolidate democratic stability in Europe by backing political, legislative and constitutional reform.

Any European state can become a member of the Council of Europe provided it accepts the principle of the rule of law and guarantees human rights and fundamental freedoms. It also has to be stated clearly that the Council of Europe is a distinct organisation from the European Union though the 15 member states of the European Union are of course all members of the Council of Europe.

The sphere of activities of the Council of Europe includes - human rights, media, legal cooperation, social cohesion, health, education, culture, heritage, sport, youth, local democracy and trans-frontier cooperation, the environment and planning. In this respect, it can be said that children and young people are clearly high on the work agenda of the Council of Europe from the list just detailed. However, the concern of the Council of Europe goes further than this in that there is no sphere of activity over which the Council of Europe has influence which does not impact on the lives of our children.

The main way in which the Council of Europe influences the work of governments is in the form of recommendations or in European Conventions and agreements which are legally binding on states that ratify them. Many recommendations and conventions drawn up by the Council of Europe have had a significant impact on the lives of children in the Pan-European community and address the ways in which many of our children face abuse, poverty, discrimination and social exclusion as will be seen later. Similarly, member states–especially the newer members of the Council of Europe, have benefited from the numerous cooperation and assistance programmes. In this way the Council of Europe has been a driving force behind many of the major developments in relation to children in the pan-European community.

A significant element of any review of the work of the Council of Europe in the past decade must of course be the large increase in member states from Central and Eastern Europe in the wake of the fall of communism. As many commentators have pointed out, the costs for children who live in societies who have undergone, or are indeed still undergoing, rapid social, economic and political transition have been very

high indeed. For this reason alone, the Council of Europe has embarked on a number of programmes specifically aimed at alleviating the conditions in which children find themselves; reducing those factors which put children at long term risk; and in promoting the rights of children. It is clearly the case that enhancing the life experiences of children, from their earliest years, is a vital element in the long term social reconstruction of the societies in which they live.

Though the Council of Europe works directly with governments, mention has to be made of the way in which the work of the Council of Europe is dependent also on the role played by the many international and national NGOS working throughout the pan-European community. This is particularly so in the field of child related activities. Similarly, and especially so in relation to children, the Council of Europe has always worked in partnership with major international organisations such as the United Nations, UNICEF and the European Union.

In short, the role played by the Council of Europe in relation to children in Europe has been a major factor in the improvement in the living experiences of many of our children because of the multi disciplinary approach it brings to its work with every government in every country in Europe. The way in which the Council of Europe has also developed a multi disciplinary approach to protecting children and promoting their rights of course reflects a commitment to the principles inherent in the UN Convention on the Rights of the Child.

(ii) THE UN CONVENTION ON THE RIGHTS OF THE CHILD, 1989, AND THE WORLD SUMMIT ON CHILDREN, 1990

The UN Convention on the Rights of the Child

In 1989, the United Nations General Assembly adopted the United Nations Convention on the Rights of the Child. The adoption of the Convention was itself the outcome of a political process which had argued for children to be seen more as subjects with rights and less as objects. The Convention did not simply lay down principles on which to base measures directed at protecting children but also gave to children fundamental civil, political, social, cultural and economic rights. The Convention thereby demanded that in order to give children the rights afforded to all members of society, consideration had to be given to how societies were structured at the cost of children; the way in which adults denied children fundamental human rights and had failed to address their basic needs; and the nature of the relationship between children and adults whereby children had hitherto had very little involvement in the making of key decisions about their lives and the circumstances in which they found themselves. The Convention embodies a conception of the child as endowed with inalienable rights ar' with the ability to be involved in and contribute to social and civil life. No suggestion is made that children do not need ***protection***- children do need to be protected from certain aspects of their life experiences and to be provided with the support necessary for healthy growth and development. But whereas Article 3 and Article 27 emphasise the best interests of the child and the need for governments to ***provide*** the necessary support and resources, Articles 12-16 emphasise more the civil rights of children- freedom of expression, information, thought conscience, religion and association. Article 12, after which many Article 12

groups in countries around the world have been named, in particular emphasises the importance of the active involvement and ***participation*** of the child and children in decision-making processes which impact on them.

The Council of Europe's activities in relation to children in the past decade, and before, have made significant contributions in these three main themes inherent in the Convention- protection, participation, provision

All but two of the countries in world have ratified the convention and every member state of the Council of Europe has done so, providing further impetus to the activities undertaken by the Council of Europe in favour of children.

World Summit– outcomes, aims and objectives.

The World Summit for Children in 1990 produced a declaration on the survival, protection and development of children to address the negative experiences of many of our children around the world. What was described at the World Summit was the way in which many children in the world were the victims of abuse, neglect, sexual exploitation, ill health, AIDS/HIV poverty, armed conflict, social and economic change and so on. The outcome was a statement which all countries agreed to and which required that all countries devote political action at the highest level in favour of the well being of children. The commitment to international cooperation was directed at a number of key areas including the promotion and implementation of the Convention on the Rights of the Child; national and international action to enhance children's health; the promotion of child development; strengthening the role of

women; working to increase respect for the family; developing education programmes; working for children in particularly difficult circumstances; protecting children from the effects of war; protection of the environment; and attacking poverty at a global level.

A number of comments can be made here. One is that the Council of Europe has been a key actor in undertaking work in all of these fields within the European community. Similarly, the Council of Europe, though the focus of its work is within the pan-European community, has acknowledged the importance of working within a wider international context and sharing knowledge and expertise with organisations whose sphere of operation is in other parts of the world.

Perhaps most importantly, though as we have noted the UN Convention on the Rights of the Child has been the most ratified convention in the history of human rights, it must also be said that it is nevertheless has also been one of the most abused convention on human rights in the last decade. This is in the sense that despite the commitment of the community of nations to the rights of the child, many of our children throughout the world *still* live in abject poverty; suffer from ill health; are brutalised, abused and sexually exploited; suffer from the effects of war and armed conflict; do not all have educational opportunities; are discriminated against for their ethnic origin and religious convictions; and live in families themselves socially excluded and marginalised. The fact that so many of our children still live in such circumstances is what Graca Machel[1] referred to as the recurring failure by adults to meet our commitments to children.

[1] Conference on War Affected Children, Winnipeg, Canada, 10-17th September 2000

There can be no doubt that much has been achieved in seeking to meaningfully implement the UN Convention on the Rights of the Child in the pan-European community and the Council of Europe has been the driving force behind many of the improvements in the life experiences of our children. Nevertheless, the Council of Europe itself also recognises that much is still to be done as we move into the 21st century and that further improvements in children's life circumstances can only be achieved through further effort and cooperation with other major organisations and NGOs.

(iii) COUNCIL OF EUROPE CHILD RELATED ACTIVITIES.

In this section of the report the achievements of the Council of Europe in reference to the main thematic areas embodied in the UN Convention on the Rights of the Child will be considered. In this way the contribution of the Council of Europe to improving the lives of Europe's children can be seen in the context of the contribution of the organisation as a whole and not solely through the various elements within it.

What this of course reflects is that the work of the Council of Europe in reference to children adopts a child centred approach and, of necessity, demands that there be an integrated approach to the development of policies, practices and the promotion of

children's interests. This is reflected in a number of recent projects and programmes designed to improve the living circumstances of children[2].

Though the Council of Europe is of course concerned with the whole spectrum of issues relating to children- including abuse, sexual exploitation, trafficking, juvenile offending, education, rights, adoption, family contact, discrimination, poverty, armed conflict, equality of the sexes, violence, sport, play, religion, identity and so on – none of these fall within the exclusive remit of any particular Directorate or section of the Council of Europe.

The Council of Europe has always recognised the importance and universality of the standards and principles enshrined in the UN Convention on the Rights of the Child Council of Europe and has of course been committed to the objectives (see above) agreed at the World Summit for Children on the 30th September 1990. In all its activities and through its many resolutions, recommendations, conventions and programmes concerning children, the Council of Europe has sought both to promote a child friendly society; to protect our children; to provide for their healthy growth and development; and of course to recognise their entitlement to enjoying fundamental freedoms as individuals and active legal subjects.

In discussing the work of the Council of Europe in this field, two factors have to be taken into consideration in critically reviewing recent activities. One is of course the extent to which the Council of Europe has grown through the process of enlargement and now includes many countries from Central and Eastern Europe currently

[2] In particular see below for details on the European Strategy and the Childhood policies Project

undergoing rapid social and economic transformation. This has both expanded the role to be played by the Council of Europe and its sphere of political influence in Europe. In many of the newer member states, children's lives are significantly affected by the impact of the social and economic changes which surround them and their families. Though the UN Convention on the Rights of the Child has received near universal ratification, meaningful implementation of the Convention to the benefit of children is very difficult for those countries for whom resources are scarce and whose social support infrastructure has collapsed- with serious consequences for children and their families[3]. The Council of Europe has played a vital role in many countries during such transition in providing technical assistance and support and of course through the socially motivated fiscal strategies of the Council of Europe Development Bank.

The other is that in the decade since the World Summit the rate of development in the field of the new information communications technologies has exceeded all expectations. Though there are now generations of children growing up with the skills and expertise to exploit such technology, they are nevertheless also the victims of exploitation and abuse executed through the medium of information technology- in particular the internet. The Council of Europe has been active and a key player in seeking to protect children from the more harmful effects of the world wide web and the internet.

[3] An excellent recent summary of the context in which the Council of Europe activities in relation to children in Central and Eastern Europe can best be appreciated is provided in Jouev, A. (ed) Generation in Jeopardy: Children in Central and Eastern Europe and the former Soviet Union, UNICEF, 1999.

Protecting Children

Though this report is of course concerned with the past decade, it has to be said that current developments in this field are premised upon the activities in which the Council of Europe was involved even before the adoption of the UN Convention on the Rights of the Child.

The two main treaties of the Council of Europe, the **European Convention for the Protection of Human Rights and Fundamental Freedoms** ECHR) (1950) and the **European Social Charter** (1961) provided a number of legal protections for children. The ECHR of course sets out the inalienable rights and freedoms of each individual and obliges states to guarantee these rights to everyone within their jurisdiction. In reference to children, children themselves may also exercise these rights before national courts, other judicial authorities and also of course before the **European Court of Human Rights**. Both in terms of cases involving children as the applicant and those cases concerning children, the resultant case law has had a profound effect on the laws of all Council of Europe member states.

Since its inception in 1959, the European Court of Human Rights has examined a great number of cases concerning the rights of children. Its case-law in this respect is mostly based on Article 8 of the European Convention on Human Rights which guarantees the right to respect for private and family life. The Court has considered that this article protects, amongst others:

- equality of rights between children born in wedlock or out of wedlock and adopted children;

- the right of children to maintain then relations with their natural parents and the rights of the latter (both the mother and the father) to be consulted and to participate in any proceedings concerning their relations with their children, including in particular the termination of such relations and the child's adoption;
- the right of the child to be protected under national criminal law against any kind of ill treatment, including sexual abuse, by members of the family or third persons,
- the right to specific procedural guarantees for young offenders,
- the right to education.

The Court's decisions have given rise to reforms in national laws, changes in administrative practices or specific measures of implementation by the States concerned.

The **European Social Charter (1961)** had also, prior to the adoption of the UN Convention, secured social and economic rights for children and adolescents by protecting them from birth to the age of 18. Included in this are the protection of health (Article 11); paragraphs 1- 10 of Article 7 relating to work and Article 17, the right of mothers and children to social and economic protection). Article 7 of the Social Charter was reinforced when the Charter was revised in 1996, further protecting children in the field of work and Article 17 likewise was strengthened reinforcing protection to children outwith the work place and recognising their vulnerability as children.

A significant feature of the Charter is that it is subject to a process of examination of government reports and since 1995, it has become possible for collective complaints to be made alleging breaches of the Charter. Thus both the ECHR and the Social Charter are not simply legislative or policy statements but are of course actively monitored and subject to processes of legal and expert scrutiny.

As is also pointed out by Verhellen[4] these two main fundamental human rights instruments were also supported by a number of conventions relating to children and again which had anticipated the UN Convention. These include the **European Convention on Adoption of children (1967)**, the **European convention of the legal status of children born out of wedlock (1975)**, the **European convention on recognition and enforcement of decisions concerning custody of children and restoration of children (1980).**

The European Convention on human rights and bio-medicine and its protocols protect children in the field of biology and medicine. Of particular importance is the protection concerning medical interventions, biomedical research, transplantation of organs and tissues of human origin and cloning of human beings.

What the ECHR, Social Charter and other conventions illustrates is that children have been high on the political agenda of the Council of Europe since it had been established. After the adoption of the UN Convention and the World Summit the Council of Europe intensified its efforts to enhance the life experiences of our children. What many of the instruments of the period also reflect is the view of

[4] Eugene Verhellen- Report on Follow uo to a European Strategy for Children, AS/SOC (2001) (11)

children as being in need of protection and with less emphasis on the child as a subject with rights. This of course reflected the nature of the debates at the time and the Council of Europe itself had also been actively involved in the dialogue about the need to recognise that children had rights consonant with basic human rights and should be seen as potentially more active participants in the decisions affecting them.[5] In 1989 - the very year of the adoption of the UN Convention on the Rights of the Child- an argument had also been made for the need for a European Convention on Children's Rights[6].What was pointed out in this report was that as early as 1979, the Council of Europe had in fact accepted a recommendation on a European Charter on the Rights of the Child[7]. The involvement of the Council of Europe as a major force in Europe in promoting and protecting the rights of children is not a recent event.

Similarly, in 1990, Recommendation 1121 on the rights of the child was adopted by the Parliamentary Assembly. In this recommendation, though the protection of children was of course an important element, the recommendation went further and promoted a conception of the child as having rights which could be exercised independently. Further, it also recommended that there be an additional protocol to the European Convention on Human Rights in favour of the rights of the child.[8]

These earlier debates had themselves contributed to three other significant developments in the child related activities of the Council of Europe- **the European Convention on the Exercise of Children's Rights** in 1996; the **Childhood Policies project** and the **European Strategy for Children**. The Childhood Policies Project and the European Strategy for Children further reflected the growing commitment of

[5] See below- The European Convention on the exercise of children's rights, 1996.
[6] Human Rights Files No. 10, Council of Europe Strasbourg, 1989
[7] Parliamentary Assembly Recommendation 874 (79).
[8] Paragraph 13b

the Council of Europe to adopting an integrated and comprehensive approach to child related activities

European Convention on the Exercise of Children's Rights[9].

This convention contains a number of procedural measures designed to ensure that children's rights are respected, in particular in the context of family proceedings before a court and the intention is that it provides help to member states to implement the UN Convention on the Rights of the Child. Through the convention a number of duties are imposed on courts or any person or bodies[10] appointed to act on their behalf to facilitate the exercise of children's rights.

Children themselves may exercise their rights to be informed and to express their views either themselves or through others. In this way those proceedings involving custody, residence, access, questions of parentage, legitimacy, adoption, legal guardianship, administration of property of children, care procedures, removal or restriction of parental responsibilities, protection from cruel and degrading treatment, medical treatment all fall within the scope and protection of the convention.

Again, reflecting the commitment of the Council of Europe to ensuring that the convention is implemented as meaningfully and to the greatest benefit to children as possible, a Standing committee has been established to address issues arising from the convention. Indeed a recurrent theme in the work of the Council of Europe is the establishment of mechanisms to ensure that the principles and aims embodied in key

[9] ETS No. 160, Strasbourg, 25 January, 1996

[10] This may of course include the Ombudsmen or such similar bodies as have been established in a number of member states.

texts and statements are translated by member states into meaningful and effective practices.

Childhood Policies Project and the Forum for Children

The **Childhood Policies Project** ran from 1992-1995 and had as its main aims surveying existing Council of Europe studies and instruments; identifying trends in the development of childhood policies in member states; identifying problem areas calling for multi-disciplinary approaches; and conducting an exchange of views and experiences about children's life experiences at a time of great social and political change.

Once again a positive feature of the Project was the extent to which it involved representatives from different sections within the Council of Europe including social policy, human rights, migration, crime problems, mass media, health, equal opportunities, legal affairs, social security, local government etc. The adoption of such a comprehensive approach to child related activities has characterised much of the recent work of the Council of Europe in this field reflecting as it does both a commitment to a child centred approach and also to the recognition that there are few if any spheres of operation within the organisation which do not impact on the life experiences of our children.

The Project had also undertaken studies and also established working groups in a number of areas including participation of children in family and social life; street children; protecting the rights of children in residential care. Similarly, programmes were also developed in the context of the project and addressed the reform of

residential care for children, social prevention and protection of children against abuse; establishing social services for families and children; development of social work; preventing sexual exploitation and abuse etc.

This was a comprehensive project which addressed many of the areas of the social lives of our children in Europe; developed regional and national assistance programmes; and laid the foundation for future activities derived from the work of the Childhood Policies Project.

What should also be noted is that not only was there a multi-disciplinary and comprehensive perspective to ***protecting*** our children built into the philosophy underpinning the Childhood Policies Project but it was also significant because of the way in which it actively involved children in *participating*[11] at the associated conference.

European Strategy for Children

The Parliamentary Assembly in Recommendation 1286 (1996) on a European Strategy for Children has recommended that the Council of Europe establish a permanent multidisciplinary intergovernmental structure to deal with all issues relating to children; to draw up an annual report on the state of Europe's children as a basis for considering how best to satisfy the requirements of the UN Convention on the Rights of the Child; and to involve other international organisations such as UNICEF, the European parliament and appropriate NGOs and indeed children themselves. Once again, the Council of Europe had been a moving force in the

[11] See below for a fuller discussion of the work of the Council of Europe in facilitating children's "participation".

meaningful involvement and participation of children in the development of policies and practices. Quite apart from the benefit this has had to the policy process at a European level it also provided example of good practice for all member states in the pan-European community to consider in terms of how they themselves might involve children.

In February 1997 representatives from most of the directorates in the Council of Europe, the Parliamentary Assembly, the European Parliament, UNICEF, European Commission, and of course the Childhood Policies Project all met to develop an appropriate response to Recommendation 1286. What is significant about this meeting is that it demanded that children's rights be put high on the political agenda of major European institutions and governments and also established a permanent structure within the Council of Europe to address the needs and promote the rights of all children in the pan-European community.

The **Programme for Children** which was then subsequently established further developed the commitment to the principles of the best interests of the child, protection and participation of children. Three main areas had been suggested as appropriate as a focus for the programme-

Children and their environment

Children and child day care

Social support systems for children at risk of, or who have been victims of, abuse, violence and exploitation

Reflecting the breadth of the programme a number of specific areas had also been identified for consideration and these included-

the situation of vagrant children

training and integration arrangements for the most disadvantaged children

access to rights and to citizenship (i.e. teaching on democratic citizenship)

new forms of dealing with juvenile delinquents

the place of the family in society

public health policies concerning children

possibilities of prevention and early treatment of alcohol and drug addiction among children

combating the sexual commercial exploitation of children, (including on the Internet)

measures against the ill-treatment of children

the situation of children living in residential care

the social consequences of illiteracy

children living outside of their family environment

children in special circumstances (social exclusion, migrants, disability, etc.)

equality issues affecting children

support and protection of non-accompanied children

family law concerning children and, in particular :

- contact concerning children (e.g. access)
- legal status of children (e.g. establishment and legal consequences of parentage)
- Children separated from their parents.

What this list reflects is the range of child related activities which the Council of Europe has addressed and further detail about a number of these follows. But it is important here to reiterate the significance of the establishment within the Council of Europe of an agenda on children which promotes ***multidisciplinary action*** within the Council of Europe itself; the significance of international cooperation with major international organisations; the value of the work undertaken by NGOs; the establishment of a permanent structure concerned with children within the Council of Europe; the way in which the Council of Europe has involved children and encouraged their participation and of course the underlying commitment to the promotion of the rights of children as embodied within the UN Convention on the Rights of the Child.

The closing conference of the **Programme for Children** held in Nicosia in November 2000 identified as important areas for future work the sexual exploitation of children; trafficking, participation of children in decision making, children at risk and poverty but also laid the basis for future work in this area to be carried out by the **Forum on Children and Families** which met for the first time in April 2001.

The Forum brings together all the major international actors in the field of children's affairs, the relevant Council of Europe bodies including representatives from the Parliamentary Assembly and the Congress of Local and Regional Authorities, other international organisations, non-governmental organisations and, in particular, children and young people.

Child Related Activities-specific areas of concern

We have seen that there are a number of programmes and projects which address children's needs, rights and interests across a whole range of issues. The Council of Europe is committed to building a child friendly society in which parents or those caring for children are able to provide safe, stable and supportive environments for their development. As can be appreciated form the earlier discussion referring to the programmes and projects undertaken and initiated by the Council of Europe, the Council of Europe is of course committed to enhancing the life experiences of all children irrespective of race, gender, nationality, and religious affiliation. It has also always been committed to addressing the particular needs of those children who find themselves the victims of discrimination, social exclusion and poverty; at risk; with special needs; with disabilities; the victims of violence, physical and sexual abuse; lacking educational opportunities.

In this respect at least three features can be identified as common to the various programmes and projects initiated by the Council of Europe in the past decade. One has been the increasing emphasis on the importance of ***preventive*** strategies, especially ***early*** in the lives of children. All the appropriate evidence and literature of children life experiences is that the earlier the intervention the greater the potential to address the more significant factors which put our children at risk. This has been the philosophy adopted in an increasing number of activities of the Council of Europe.

Closely related, there has been increasing recognition of the significant impact of multi-disciplinary and cross- sectoral not simply in specific areas of children's lives but which has positive benefits for their lives as a whole. For example, it is perfectly possible that early intervention programmes aimed at prevention of delinquency can

also of course have beneficial effects in other areas of children's lives including their health, education, self-esteem and so on. One of the implications of this is of course the importance of sharing and exchanging information on best practices and latest developments. The role of the Council of Europe in fostering the exchange of information through technical assistance programmes; the commissioning of expert studies; and the establishment of information sites and observatories should not be by any means underestimated.

Similarly, many of the programmes relating to children are based on the principle that children benefit most from assistance and support which is given to them in the context of their own family or community.

Finally, a recurring theme throughout the child related activities of the Council of Europe is that the dividing line between a child posing a risk or threat to the community (for example as an offender) and being the victim is a very thin one indeed. What all the evidence suggests, much of which has been incorporated into Council of Europe statements, is that, even where children and young people are involved in offending or antisocial behaviour, severe responses are not necessarily appropriate.

In this respect, Council of Europe initiatives reflect a commitment to international standards and principles enshrined in the UN Convention on the Rights of the Child. Such a philosophy has of course furthered the promotion by the Council of Europe of those early preventive strategies in member states. It is for this reason that the Council of Europe in its political message on children to UNGASS states that it will further

examine the interrelationship between social development and the full enjoyment by children of their rights.

What follows is but a brief consideration of some of the key areas of activities in which the Council of Europe has been involved. Again, the approach adopted has been to consider these more thematically than within the sphere of operation of any particular section of the Council of Europe.,

Sexual Exploitation and Trafficking

Before and since the World Congress on the Commercial Sexual Exploitation of Children in Stockholm in 1996, the Council of Europe has considered the sexual exploitation of children as an area of particular concern . This has been a matter of some concern for both the Committee on Crime Problems (CDPC) and the Committee on Social Cohesion.

One of the most important recommendations[12] prepared under the aegis of the CDPC and adopted by the Committee of Ministers was Recommendation No. R (91) 11 on the sexual exploitation, pornography and prostitution of, and trafficking in children and young adults. This was the first international text dealing in a comprehensive way with the sexual exploitation of children and considerable emphasis was placed on the need for a "preventive" strategies and measures; the need for information to be given to victims, potential victims; parents etc; the importance of international cooperation in what is recognised as a phenomenon that transcends geographical and political boundaries.

[12] See also Recommendation No R (89)7 on videograms having a violent, brutal or pornographic content and Parliamentary Assembly Resolution 1099 (1996) on the sexual exploitation of children.

Work subsequent to (91) 11 and which involves other parts of the Council of Europe has included-

analyses of country reports on the implementation of (91) 11;

a regional conference as a follow up to the World Congress;

the creation of a committee[13] with a remit to update (91) 11;

the elaboration of a convention[14] on cybercrime in which issues associated with pornography on the internet and in cyberspace are addressed;

studies of particularly vulnerable groups such as street children;

a recommendation on trafficking[15];

the establishment of a committee of experts[16] examining the impact of the use of new communications technologies on trafficking in human beings for the purpose of sexual exploitation.

Sexual exploitation has also been the focus of work of other sections of the Council of Europe. In particular, the Social Affairs Committee of the Parliamentary Assembly of the Council of Europe has also identified the importance of addressing the sexual exploitation of children[17] and likewise recently made a plea for the issue in Moldova to be given particular attention.

---

[13] Committee of Experts on

[14] Parliamentary Assembly Opinion No. 226 (2001) , Draft convention on cybercrime I

[15] Recommendation No. R (2000) 11 on action against Trafficking in Human Beings for the Purpose of Sexual Exploitation.

[16] This committee met for the first time in December 2000.

[17] The protection of children and their promotion of their rights in general but more specifically in the fight against sexual exploitation of children and child prostitution, have all been matters of constant concern to the Parliamentary Assembly Committee on Social, Health and Family Affairs both at plenary sessions and at the sub committee on Children. For example see Resolution 1099 (1996) on the sexual exploitation of children.

The updated version of (91) 11 will be presented to the Committee of Ministers this year and one of the key features of the recommendation is that there should be established some form of implementation mechanism to ensure that member states are provided with appropriate support and assistance to ensure that the new recommendation is made widely known and meaningfully implemented. It of course also emphasises- just as the work on the elaboration of the cybercrime convention and the committee on experts on the impact of new technologies does- the importance of addressing the way in which the internet has become a powerful medium for the sexual exploitation of our children.

The importance of the Council of Europe work in this field is reflected in the fact that with UNICEF it will be hosting a regional conference on the topic in Budapest in November 2001 as a contribution to the World Congress on the Commercial Sexual Exploitation of children to be held in Yokohama a month later.

Gender

One of the themes that pervades the work of the Council of Europe over the past decade is the acknowledgment, not withstanding the many advances made, that girls and young women constitute a specific category and that many of the policies and practices developed in the pan-European community have to be sensitive to the importance of gender.

Though girls experience many of the same situations and problems and boys there are of course specific areas of particular concern to girls. These must inevitably include

Equality in educational opportunity and achievement

Violence against girls and young women

Trafficking of girls and young women for the purposes of sexual exploitation

Adolescent sexual and reproductive health and rights

Similarly the development of policies and measures to meet the specific needs of girls has to acknowledge that there may well be differences in approaches required for boys and girls respectively.

The discrimination experienced by girls and young women of course starts from an early age and it is for this reason that the work of the Council of Europe has been premised on

> " Noting the need to promote from early childhood onwards a policy of equality between girls and boys, women and men.[18]"

As with many policies in the past decade, seeking to address the discrimination experienced by girls and young women will only be meaningful and effective if they are initiated as early as possible in the lives of our children. They also clearly have implications for the nature of the family and social life in which children find themselves. In this respect, the commitment of the Council of Europe to the UN Convention on the Rights of the Child has of course required not simply that we

[18] Recommendation No. R (98) 8 of the Committee of Ministers to Member States on Children's Participation in Family and Social Life. See also Recommendation No. R (94) 14 on Coherent and Integrated Family Policies and Recommendation No. R (90) 2 on Social Measures concerning Violence within the Family.

consider the life experiences of our children- it has also required that we address the way in which those life experiences are coloured by the nature of the social and family life we as adults offer our children.

Giving children rights does of course mean addressing the nature of the world in which they live and seeking to create child friendly policies which enhance the relationships between children, young people and adults.

Family

The Council of Europe has always been committed to the importance of family life for the healthy personal and social development of children. The nature of what constitutes "the family" has of course changed significantly in the past decade. Nevertheless the importance of supporting the family, especially in the parenting role has been a key element in the work of the Council of Europe.

Most of the legal instruments concerning the legal protection of children have been elaborated by the European Committee on legal co-operation, especially the Committee of Experts on Family Law. Conventions on the adoption of children; the legal status of children born out of wedlock; the recognition and enforcement of decisions concerning the custody of children and on restoration of children and, as mentioned earlier, on the exercise of children's rights have all been adopted. Work has also been undertaken on the work of Ombudsmen, parental separation and special consideration has been given to parentage, family mediation and trans-frontier access. The Committee of Experts on Family Law is also preparing a new convention on the rights of children to sufficient contacts with their parents.

The danger of such a review as this is that it compartmentalises the work of the Council of Europe in relation to specific spheres of activities and fails to highlight the extent to which important thematic areas such as "the family" are the subject of work and consideration across most divisions of the Council of Europe. For example, the importance of the family context is a significant feature in activities in reference to sexual exploitation, crime, work with drugs, family policy, early prevention programmes; participation of children in family life and mediation as a means of resolving disputes within the family.

Similarly, the support provided to the family itself through the social security and benefit systems, with clear implications for the nature of the life experiences offered to our children- many of whom live in abject poverty has also been the focus of attention for the Council of Europe. The 2nd Summit of Heads of State and Government of the Council of Europe in 1997 had provided further political impetus in favour of children and their families in agreeing to the adoption of a programme of social cohesion in making social rights a reality for all and in protecting families and children.

Offending and Juvenile Justice

Offending by children and young people has been a matter of particular concern internationally in recent years. In terms of the activities of the Council of Europe, the very rapid social and economic transition of a number of recent new members has been accompanied by a dramatic increase in offending and in a number of cases,

offending by children and young people. A number of studies have been conducted for the Council of Europe in this field and the work of the Council of Europe has been based on a number of guiding principles which reflect the international standards set by the UN Convention, the Beijing Rules and the Riyadh guidelines and which serve to update earlier activities in this field[19]. These include the recognition that

> Prevention should be the first priority when dealing with young offenders and young people at risk;
>
> Criminal justice should be limited to the strictest minimum;
>
> Custody should be used only as a last resort;
>
> The importance of a rights based approach to dealing with those children and young people who offend;
>
> The public should be prepared to play a role in coping with juvenile delinquency.

The Parliamentary Social Health and Family Affairs Committee[20] is preparing a report on a dynamic social policy for children and adolescents in which the issue of offending by children and young people features prominently but does so in the context the urban environment and other aspects of the life experiences of many of our children who grow up in cities.

The Council of Europe has also been involved in the development of European wide initiatives in seeking to combat drug taking among our children and young people.

[19] Recommendation No R. (87) 20 on Social Reactions to Delinquency, and Recommendation No R (88) 6 on social reactions to delinquency among Young People coming from Migrant Families. See also Recommendation No. R (97) 13 concerning the Intimidation of Witnesses.

Zouev again presents a very dramatic image of the extent of drug taking and particular concern has to be voiced about the reported increase in drug taking by young people in the newer member states of the Council of Europe. The role played by the Council of Europe's Pompidou Group - a multidisciplinary forum for ministerial co-operation to combat drug abuse and trafficking- is central in this respect.

War and Armed Conflict

It is now well know that many children in the world experience the worst excesses of war and armed conflict. The landmark study by Graca Machel has alerted us all to the horrific nature of the experiences many of our children in this context. For many children in Europe, the impact of war and armed conflict has been graphically illustrated as the media have covered the conflicts in Kosovo and Bosnia. The Council of Europe's Parliamentary Assembly has treated the impact of armed conflict on children as one of the priorities for continued work and where collaboration with other international organisations such as the UN and UNICEF is vital. It is also an area where tribute has been paid to the role of NGOs.

Education

Education is inextricably tied up with the promotion of human rights, freedoms and democracy by preparing children to realise their potential and play a full and active part as citizens in their own country and in the wider pan-European community.

[20] Draft Report- A Proactive Social Policy for Children and Adolescents in Towns and Cities, Rapporteur, Mrs Edletraud Gatterer.

Nevertheless, it is clear that in the pan-European community the educational opportunities available to children are not uniformly available to all as one of the Council of Europe's own reports illustrates[21].

The Council of Europe recognises the importance of educational opportunities for all and seeks to address the needs of the European community through

carrying out major projects on school, higher and adult education ;

pooling ideas, experience and research ;

promoting links and exchanges and developing new partnerships and networks ;

recognising educational qualifications all over Europe ;

publishing practical studies and handbooks for policy-makers and educators ;

co-operating with other European institutions and non-governmental organisations.

The importance of the school and the education system in general is of course not just because of the opportunities it affords to children to acquire qualifications and compete in the labour market but also because of the important role it can play in preparing children for democratic citizenship and in instilling tolerance and understanding of the different cultural, religious and ethnic backgrounds of many of their counterparts in other member states.

But the Council of Europe has laid down an agenda in which it seeks to promote the rights of all children to education and in particular to address the imbalance in access

[21](ed) A. Furlong: " Vulnerable Youth: perspectives on vulnerability in education, employment and leisure in Europe", European Youth Trends 200, Council of Europe Publishing, 2000.

of children to educational opportunities which can be attributed to disadvantage, discrimination; gender and geographical location.

Children and Young People's Participation

For some time now, the international community has been alerted to the danger that adults might make no more than a token gesture to or acknowledgement of children's rights. Though children have always been high on the political agenda of the Council of Europe, it is only in recent years that there has been a concerted move to address the issue of the participation of children. The focus had hitherto been more on the protection of children, the vulnerability of children; the risks experienced by children and of the recognition of their substantive social rights.

There is no doubt that many children in Europe still face the full effects of disadvantage, discrimination and social exclusion. However, a number of things can be said here.

First, the UN Convention on the Rights of the Child is not simply a convention for those children at risk or in trouble- it is a convention for all children and privileges participation as much as protection and provision. In this respect it emphasises the capacity, competence and potential of our children to be actively involved in those processes and decision making for a which impact directly in their lives.

Secondly, as we indicated earlier, the convention embodies an image of the child as a subject with basic human rights and fundamental freedoms and who, through Article

12 in particular, has the right to express his views on those matters which affect him/her directly.

The importance of this is that that the Council of Europe has not simply urged the inclusion and involvement of children in decision making processes and aspects of civil life but has also provided through its own activities and the involvement of children in them models of good practice in this area. Mention has already been made of the way in which children had been involved in the Childhood Policies Project and the European Strategy for Children. Particular mention has also to be made of the way in which the Council of Europe has involved children through educational activities; standard setting programmes and practices; and the provision of support to children and young people by key civil society actors - NGOs, Agencies, foundations and specialised government services. The emphasis put on healthy life styles for young people, on child friendly environments, access to quality education, physical activity and sports, and value education is enhanced by the opportunity for active participation in the very direction programmes and policies may take. A prime example is of course the way in which the Council worked with UNICEF and young people in preparing the regional conference in Berlin.

What this serves to emphasise is the way in which the different elements of rights offered by the UN Convention on the Rights of the Child cannot be disaggregated in the adoption of a child centred approach. It also illustrates the potential and capacity children and young people have to meaningfully participate and contribute to civil and political life in general but also particularly to the very work of the activities of the

Council of Europe. That has become an increasing feature[22] of the work of the organisation as a whole and new models for participation of children and young people are continually sought. It also has to be emphasised that the search for innovative ways of allowing children and young people to actively participate is not simply for those who are in some difficulty or another, who are marginalised; or socially excluded. To repeat- the work of Council of Europe in this field is based on the recognition of the importance of the rights of all children and young people.

Ombudsman

In terms of advancing the rights of children, it is important that there be someone or some body with the responsibility for ensuring that the rights of all children are promoted and protected and that member states are also reminded of the obligations placed on them by ratifying the UN Convention on the Rights of the Child. The Council of Europe has consistently discussed the need for member states to establish the post of Ombudsman or some similar post to ensure that children's rights are protected and promoted. And at a wider level, the Parliamentary Assembly has also recommended that there be established the post of Ombudsman at the European level to ensure that European policies, instruments and practices are considered in terms of their impact on children[23] (see also the European Convention on the exercise of children's rights).

[22] See also Youth Participation, Programme of Activities of Directorate of Youth and Sport 2000-2002, DGIV- Youth/Programme (2001) 1 eng

[23] Cf. Parliamentary Assembly Recommendation 1460 (2000).

In the past decade, premised upon a commitment to the UN Convention on the Rights of the Child, the Council of Europe has been at the forefront of the developments designed to enhance the life opportunities and life experiences of children in the pan-European community. Through the many recommendations, resolutions, assistance programmes, initiatives such as the Childhood Policies project and the European Strategy for Children has taken forward the commitment to children's rights which pre dated the UN Convention and the World Summit. There are few if any areas of children's lives which have not been addressed by Council of Europe activities in this field.

As the new millennium progresses, the Council of Europe is committed to further activity in this field and in the immediate term will concentrate on ensuring the legal status of children; strengthen the protection afforded to children against the many forms of exploitation and abuse they experience; promote new instruments; call on all member states which have not already done so to ratify and implement fully all treaties and apply all standards which promote the best interests of children and young people; promote social cohesion and work through the new Forum for Children and Families; and in general to continue to promote Europe as a child friendly context in which our children and young people can grow and realise their potential both as individuals and fully active members of the democracies in which they live.

Though clearly committed to work within the pan-European community, the Council of Europe nevertheless recognises the contribution it can make and the role it can play in promoting the rights of the child in working with other bodies such as the UN and

UNICEF in sharing the experience and knowledge it has gained in the work it has undertaken for and on behalf of children.

What specific areas of concern such as the sexual exploitation of children and young people clearly illustrate is that international cooperation which transcends national and regional boundaries and frontiers is vitally important. The value of the new information technologies for future generations of children has yet to be realised but their very existence in themselves dictates the need for international organisations to operate within a global international arena.

Indeed the promotion of children's rights and the implementation of the UN Convention on the Rights of the Child globally will not be possible in any case without the cooperation of major international bodies such as the Council of Europe, United Nations and UNICEF. Nor will it be possible without the continuing sustained cooperation with, and recognition of the role played by, the many NGOs working the field.

The aim underlying such cooperation must of necessity be significant change in the actual life experiences of our children and young people. Much has been achieved since the World Summit and the Council of Europe has much to be proud of in terms of the work it has undertaken and initiated in the past decade. Nevertheless, there is still much to be done for children and young people where it matters most to them- in their daily lives and the nature of the experiences we as adults afford to them and the challenge for the Council of Europe is to promote effective change in their life experiences through the promotion and implementation of programmes and initiatives

premised upon a commitment to the rights given to all our children through the UN Convention on the Rights of the Child.